

CIVIL COVER SHEET

JS 44 (Rev. 11/07) (and rev 1-15-08)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

ROBERT PRITIKIN, ADDITIONAL PARTIES ATTACHMENT FORM IS ATTACHED

(b) County of Residence of First Listed Plaintiff **SANTA BARBARA**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

LAW OFFICES OF ROBERT M. LUBIN
177 BOVET ROAD, SUITE 600
SAN MATEO, CA 94402
650-638-2331

DEFENDANTS

COMERICA BANK, COMERICA INCORPORATED, DOES 1-100,
CORPORATE DOES 101-110

County of Residence of First Listed Defendant **Santa Clara**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

C09 03303

RS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. V. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 510 Agriculture <input type="checkbox"/> 520 Other Food & Drug <input type="checkbox"/> 525 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 530 Liquor Laws <input type="checkbox"/> 540 R.R. & Truck <input type="checkbox"/> 550 Airline Regs. <input type="checkbox"/> 560 Occupational Safety/Health <input type="checkbox"/> 590 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 451 Naturalization Application <input type="checkbox"/> 453 Habeas Corpus - Alien Detainee <input type="checkbox"/> 455 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 851 HIA (1395ff) <input type="checkbox"/> 852 Black Lung (933) <input type="checkbox"/> 853 DIWC/DIWW (405(g)) <input type="checkbox"/> 854 SSID Title XVI <input type="checkbox"/> 855 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7509	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Artist's <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 830 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

18 USC 1961 ET SEQ

Brief description of cause:

RICO, UNFAIR BUSINESS PRACTICES, AIDING AND ABETTING FRAUD/FIDUCIARY DUTY, CIV CONSPIRACY

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION ☐ DEMAND \$ ☐ UNDER F.R.C.P. 23

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND

☒ SAN JOSE

DATE

7/20/09

SIGNATURE OF ATTORNEY OF RECORD

Robert M. Lubin

PRITIKIN v. COMERICA BANKD, ET. AL.**ADDITIONAL PARTIES ATTACHMENT FORM**

EARL O BENDER and JOAN C. BENDER individually and as trustees of the BENDER FAMILY TRUST, dated JUNE 27, 1980, INTERCOASTAL PROPERTY SERVICES, LLC, HOWARD BLITZ and TRACEY BLITZ, SIDNEY BLITZ individually and as trustee of the SID BLITZ, INC. PSP, Dr. DERALD E BRACKMANN and CHARLOTTE J BRACKMANN individually and as trustees of the BRACKMANN FAMILY TRUST, ROBERT BRETT, and CATHLEEN M. BRETT individually and as trustees of the ROBERT A. AND CATHLEEN M. BRETT 1989 REVOCABLE TRUST, ROBERT BRETT as trustee of the GEORGE H. BRETT 1989 REVOCABLE TRUST, and the THERESA S. BRETT 1988 REVOCABLE TRUST, GEORGE BRETT, THERESA A. BRETT, TERRY D. BULLER as trustee for the TERRY D. BULLER, P.C., MONEY PURCHASE PENSION TRUST, JON FERRARA and ARLEAN FERRARA, an individually and as trustees of the FERRARA LIVING TRUST, HARRY S. GARTSMAN and DOROTHY GARTSMAN individually and as trustees of the GARTSMAN FAMILY TRUST, DATED APRIL 12, 1990, STEVEN GEVIRTZ, EDWIN J. HAGERTY, RICHARD HORNSTROM, RICHH LIMITED PARTNERSHIP, ROBERT ISENBERG, JOSEPH R. JOHNSON and ERNA M. JOHNSON, JEAN KAUTH MCGRATH individually and as trustee of the JEAN KAUTH MCGRATH TRUST, PHYLLIS KLEIN, individually and as trustee of the PHYLLIS KLEIN TRUST, KENNETH KRAUS and PERRY GIBSON, individually and as trustees of the KRAUS/GIBSON REVOCABLE TRUST OF 1987, DAVID LEON as trustee of the LEVEL 1 PROMOTION, INC. PROFIT SHARING PLAN, FRANCIS MCGRATH individually and as trustee of the FRANCIS MCGRATH TRUST, RODNEY G. MINOTT individually and as trustee of the RODNEY G. MINOTT, JR. TRUST, as assignee of the POLLY BERRY KENNEDY GST FBO RODNEY G. MINOTT, and the FRANK KENNEDY TRUST FBO RODNEY G. MINOTT, PAUL NADEL, MICHAEL J. O'MALLEY, JOHANNA PIPES, MONROE ROSENTHAL, individually and as trustee of the MONROE AND ANDREA N. ROSENTHAL FAMILY TRUST and the NOURAFCHAN ROSENTHAL CHILDREN'S TRUST, NICHOLAS ROTHENBERG as trustee of the JANNOTTA ROTHENBERG REVOCABLE TRUST, SCHOENFELD PROPERTIES LLC, L. KENNETH SCHOENFELD, and BEVERLYSCHOENFELD, L. KENNETH SCHOENFELD as trustee of the IRREVOCABLE INTER VIVOS TRUST FOR GREAT GRANDCHILDREN OF RUTH CLAYBURGH FOR EDUCATIONAL PURPOSES, RICHARD ELDER, as trustee for the L. KENNETH AND BEVERLY ANN SCHOENFELD GRANDCHILDREN'S TRUST- DATED OCTOBER 1, 1989, and the KEN & BEVERLY SCHOENFELD IRREVOCABLE TRUST, DATED SEPTEMBER 2, 1986, ROBERT SCHOENFELD, MICHAEL SCHWARTZ and SHEILA SCHWARTZ, STERLING FURNITURE CORPORATION dba M. JACOB FINE FURNITURE, CHARLES B. SCOTT as trustee of the SCOTT FAMILY TRUST DATED MARCH 1994, SAM SILVERBERG, ESTHER SILVERBERG, ROBERT SILVERBERG, MARGOT STRONG, ROBERT S. TOLL, MERRICK UNGAR, SCOTT UNGAR, STEVEN UNGAR and KAREN UNGAR individually and as trustees of the UNGAR FAMILY INTERVIVOS REVOCABLE TRUST, CLIFF WARREN, RENEE WARREN, MARK WEINSTEIN individually and as trustee of the MJW INVESTMENTS PSP, 714-910 S. LOS ANGELES LLC, HI- DESERT MOBILE HOME PARK LIMITED PARTNERSHIP, as

successor in interest of HI-DESERT MOBILEHOME PARK, LLC, KEVIN WISER, ALAN ALPERT, individually and as trustee of the ALAN ALPERT & SOPHIE ALPERT TRUST OF AUGUST 19, 1991, HARRY FAVERSHAM and SYLVIA FAVERSHAM, individually and as trustees of the HARRY & SYLVIA FAVERSHAM TRUST, RAFAEL SABAG, JULIE FRIEDMAN, individually and as trustee of the JEFF & JULIE FRIEDMAN FAMILY TRUST and as assignee for SAMANTHA FRIEDMAN and JESSICA FRIEDMAN, MERVIN KURTZMAN, JUDITH ROTHMAN ROFÉ, individually and as trustee of the ROFÉ/ROTHMAN FAMILY TRUST, as assignee of LEO ROFÉ and as custodian for IAN ROFÉ, JEROME V. NAVARRA, NAVARRA MORENA PROPERTIES, LLC, a successor in interest to NAVARRA PROPERTIES, NAVARRA PROPERTIES BROADWAY, L.P., a successor in interest to NAVARRA PROPERTIES, NAVARRA PROPERTIES EC-SM, L.P., a successor in interest to NAVARRA PROPERTIES, JOHANNA PIPES FAMILY PARTNERSHIP II, L.P., as successor in interest to the JOHANNA PIPES FAMILY PARTNERSHIP, L.P., BERNARDO VIEW PROPERTIES, INC., JEROMES FURNITURE WAREHOUSE